

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

June 19, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JUNE 19, 2015, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Maui County Council will please come to order.

Clerk, will you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are eight Members present and one Member excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And this morning we have opening remarks provided by Mr. Victorino.

OPENING REMARKS

The opening remarks were offered by Councilmember Michael P. Victorino.

CHAIR WHITE: Thank you for those heartwarming remarks and thoughtful comments in the earlier part.

Members and those in the gallery, would you please rise and recite the Pledge of Allegiance with me.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Mr. Clerk, please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning. This is Ella Alcon on Molokai and there is no one here waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have three individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is Shelley Blackburn, testifying on County Communication 15-181. She will be followed by Rosemary Robbins.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. SHELLEY BLACKBURN, KA HALE A KE OLA (testifying on County Communication No. 15-181):

Good morning, Council Chair and Councilmembers.

CHAIR WHITE: Good morning.

MS. BLACKBURN: My name is Shelley Blackburn, Chief Operating Officer of Ka Hale A Ke Ola Homeless Resource Centers. I've been at KHAKO for 10 years because of the passion, commitment, and dedication that I've had and will always have in serving the people of Maui County; especially the homeless population. Sorry, I'm testifying on behalf of the County Communication 15-181.

We were the first, and now the largest homeless service provider on Maui. Every year, Ka Hale A Ke Ola provides housing to more than 1,500 individuals and families, including more than 400 children.

Our Wailuku facility was built in 1992. In fact, a \$100,000 CDGB grant was a big part of the initial construction of Ka Hale A Ke Ola. These facilities are now 23 years old, and it definitely shows. The situation is well beyond normal wear and tear. Not only are the buildings deteriorating quickly, but are becoming more and more visible and are creating serious safety concerns.

A principle purpose of CDBG funding, as stated in CDBG application packet, is to provide decent housing, principally for persons of low and moderate income. Additionally, the County's consolidated plans specifically outlines that the rehabilitation of buildings to serve homeless persons and families is a high priority.

With this in mind, we felt very confident in the CDBG application we submitted in December of last year to improve our facilities, and in turn improve the lives of our Maui County residents. On March 9, KHAKO received the proposed Annual Action Plan that preliminarily approve a CDBG grant for KHAKO in the amount of \$654,000.

Both the clients and staff of KHAKO were excited. The approved grant was nothing short of a blessing to KHAKO's residents, who many previously have come before you and publicly testified about the significance and importance of this project for the improved of our crumbling infrastructure.

However, several weeks after receiving the news, we were informed by a Maui County Council Executive Assistant that Council refused to accept the CDBG Action Plan. This refusal not only was confusing, but required KHAKO to go through the very onerous and time-consuming task of preparing a second CDBG application. Recognizing the importance of the funding, KHAKO immediately reapplied.

KHAKO received an email notifying us of a change in public hearing location. This prompt our CEO to call CDBG office, as she was unaware that decisions had been made. We learned that the new Action Plan excluded KHAKO's renewal project. The previously promised funds were taken away.

There were no prior notice, no letter, not even a courtesy call.

I understand there is a process that must be followed, and CDGB encompasses a whole range of eligible activities. But, it seems the end result, the second time around is, is essentially the same, with the exception of our facility now being excluded.

This exclusion is nothing short of a devastating to KHAKO, its residents, and ultimately the County of Maui. With homelessness extremely growing on Maui County, this is not an outcome that will benefit the County, and more importantly, those in need. I'm also a wife of a firefighter which I know is also in need of important funding's; however, to my belief, not as important as ours at this time.

It seems there were underlying political motivations that will never be fully understood by me or others that led to an unnecessary second round, and our residents were the collateral damage.

Individuals and families experiencing homelessness should not have to sacrifice their health and safety due to County politics.

DEPUTY COUNTY CLERK: Four minutes.

MS. BLACKBURN: I, along with the Board and staff of KHAKO will not be responsible for putting people in danger.

CHAIR WHITE: Could you please--

MS. BLACKBURN: Should the state of our facility continue to deteriorate--

CHAIR WHITE: Please wrap up your comments please.

MS. BLACKBURN: --we may be faced with making difficult decisions to close down buildings, which will also further harm the County.

I understand there is very little that can be changed at this point, but I hope that this time around, our voices are truly heard and right decisions, pono decisions are truly made for the best interest of the people of Maui County--

CHAIR WHITE: Ms. Blackburn, you've--

MS. BLACKBURN: --to end homelessness.

CHAIR WHITE: --well run over your time.

MS. BLACKBURN: Thank you. Sorry.

CHAIR WHITE: Thank you very much. And, there are those of us who agree with you that the system is broken. Thank you for your testimony.

Mr. Clerk. Oh, I'm sorry, Members, any need for clarification?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Just, do we have that in written? Is that submitted to us?

CHAIR WHITE: I don't believe we've gotten written testimony.

COUNCILMEMBER COCHRAN: Did you want to submit that?

CHAIR WHITE: If you can provide us a copy, we'd be happy to distribute to the Members.

MS. BLACKBURN: Yes.

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR WHITE: Okay, any other, any other clarification needed, Members? Seeing none, thank you very much for being here this morning.

MS. BLACKBURN: Thanks.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rosemary Robbins, testifying on County Communications 15-177 and 15-178. She will be followed by Patricia Cadiz.

MS. ROSEMARY ROBBINS (testifying on County Communication Nos. 15-177 and 15-178):

Good morning, everybody. Friday, June 19, 1915 *[sic]*, back again, all of us. Item 157 *[sic]* and, and 158 *[sic]*, I'd like to do both of those if I may, because they're pretty well connected.

177 is the Director of Water Supply transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use. I took a look back again at Chapter 11 in our Charter, and it talks on page 31 that it's not just use. "Department of Water Supply shall implement the County's general plan and community plans in the administration of its affairs. The Department of Water Supply shall prepare and annually update a long-range capital improvement program and updated water use and development plan." Nowhere are we being educated as to what the development plan is to the degree that we should be. What plan everybody asks. I don't have an answer for that.

But, if the Department of Water has something that would be easily put out, I think this would be a great forum for it to happen. We have had a lot of other video presentations, but as far as the scope of the plan, I don't have the history of that.

So, I went ahead and I got this 15-177 yesterday, again the folks on the seventh floor were wonderful about providing that. And, it talks about, now these are in terms of a 1,000 times the number that I'm going to give you. And since the Water Director mentioned H'poko Wells the day before yesterday at the Water Resources meeting, I took a look at that. And that means that they have 160, a million, 610 thousand million gallons a day that is supposed to be needed in order to meet the needs. And, yet when we look over these, these are the last 11 months, for May 15, the H'poko Wells 1 and 2 have zero and ten. And, a thousand times zero is still a zero in terms of what it is that we have available for the Upcountry people. Upcountry people are really being deprived of what they need.

So, heading on in that, the Department of Water Supply groundwater use for Maui, again shows H'poko over here at not even up to one percent. That's not great for whatever it might be needed for the potable water and for the, of the uses for water.

Then the second one on page, item 15-178 is reports of water use in the County of Maui coming from the State Commission of Water Resource Management. And, when I took a look through that one, it talks about categories that are not even answered. The water level and the pumping status in here, zero. And, when I looked at how that data comes into them, those are predominantly self-reporting from the geographies that are taking the water; self-reporting. Self-reporting; where is the connection on the State level to where we are here?

Our own statistics are not compatible with each other, let alone what's happening out here. And, most of that is pretty reflective of the plantation days as to who it is that has the water and how much they're taking. They were intended to be trusted, and again, zero in the gauge method. So, if you get a blank form and you think oh great we're going to have all the data that we need in there to make responsible and intelligent decisions and you have zero, zero, zero, zero, something's wrong. The little kids in school are going to say, yo, Mrs. Robbins, where's the plan? Valid question, where's the plan?

And, remember that Upcountry water is primarily surface. So, if we're talking about the need for reservoirs and we've done that and continue to do that, if we're not getting the water to put into the reservoirs, that would be one answer that's not sufficient. We need to get the water. What are the sources? That's right in the Charter, and we need to abide that.

So, anything that can be done in order to educate the whole community, to be able to have those out in print, that are complete; that have those in videos here when we come to the eighth floor as far as the water is concerned and, talking not just how much expense it's going to take in our primarily tax dollars to be able to meet that. But we don't have the whole picture, at least in a hopeful format, we're in trouble. So, let's get out of trouble. Thank you.

CHAIR WHITE: Thank you, Ms. Robbins.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MS. ROBBINS: You're welcome. Happy Father's Day everybody and all you guys.

CHAIR WHITE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Patricia Cadiz, testifying on County Communication 15-182. She will be followed by Sally Raisbeck.

MS. PATRICIA CADIZ (testifying on County Communication No. 15-182):

Good morning. My name is Patricia Cadiz. Thank you for seeing me again today. I'm here speaking on 15-182, which is an ordinance amending 3143, which is the ordinance that established the transition from 1524 to 1304 for commercial ocean recreation activities.

The proposal suggests amending Section 7. But, unfortunately the, there's some confusion because the bill was actually drafted on, in an attempt to protect us; to protect not only the industry, but the County and the environment.

But, the, the amendments, there has been two amendments since the original proposal, since the original 3143, and those amendments actually include protections for all of us. And, so deleting Section 7 actually removes the protection and has actually the opposite intent of the proposed amend, resolution proposal.

So, because the resolution proposal is based on outdated language, we can't support the bill as it's drafted. Any questions?

CHAIR WHITE: Thank you, Ms. Cadiz.

Members, any need for clarification? Seeing none, thank you very much for being here this morning.

MS. CADIZ: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Sally Raisbeck, testifying on County Communication 15-186 [sic]. Ms. Raisbeck is the last individual who has signed up to testify in the Council chamber.

MS. SALLY RAISBECK (testifying on County Communication No. 15-185):

Good morning, Mr. Chairman.

CHAIR WHITE: Good morning.

MS. RAISBECK: Good morning, Councilmembers. I wasn't intending to even come to this meeting. But, I happened to be up at the County Clerk's Office and I thought I'll stop in and see what's going on here. And, I noticed that you have a proposed resolution entitled, "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI, AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE".

And, it concerned me because I haven't read in the Maui News anything about it. Of course, they don't really report Maui news much anymore. But, I was concerned because our initiative that passed and has been ignored by the County was difficult enough to pass. If this resolution endeavors to make it more difficult to pass a citizen's initiative, there will be a lot of people opposing that. And, I haven't yet had a chance to look at the resolution and see what it says.

I use to, as some of you may remember, I use to keep up, pretty much up to date with what was going on in the Council. But, I'm not able to do that anymore. But, this seems to me like a vulnerable point, that depending on what the contents of the resolution is, might be reducing the ability of the public to have their wishes known since the Council and the Mayor have made it pretty clear they are not in favor of citizen initiative.

So, I hope to read the thing and I, I presume it's going to Committee; it better, and not be passed on the floor in some kind of, in some kind of expedited way. So, thank you.

CHAIR WHITE: Thank you, Ms. Raisbeck. And, this will be going to Committee. And, it's actually a, an initiative, bad, bad word to use but this is coming from the Clerk's Office. And, Mr. Clerk if you'd like to provide a brief explanation of the, the purpose of it I'd be happy to--

MS. RAISBECK: Okay.

CHAIR WHITE: --share that with you.

MS. RAISBECK: Thank you.

DEPUTY COUNTY CLERK: Yes, Mr. Chair. For the, the benefit of the Members, I'll just give a, a brief highlight since this likely will go to Committee.

It's basically to correct clerical errors within Article 11 of the Charter, and also to allow the withdrawal of signatures from the initiative petition and from supplemental petitions received.

Right now, within the Charter, it references allowing withdrawal of signatures within 15 days after filing of affidavit described in Section 11-2. Section 11-2 references the formation of a initiative petitioners' committee.

The petitioners' committee has up to 180 days to file with the County Clerk the petitions forming the initiative petition. Fifteen days from the formation of the initiative petitioners' committee would not allow individuals who signed, let's say 120 days into the process, if they would so like to remove their signature from the petition.

This is something that we encountered on a number of occasions during the initiative process where individuals wish to withdraw their signature from the petition. But, because of the clerical error within the Charter, it would not allow us to withdraw their signature from the petition.

Secondly, it also allows individuals to withdraw their signature from the supplemental petitions received by our office to fulfill the requirement of signatures, of valid signatures received. Right now the Charter is silent as to--

CHAIR WHITE: It's a little, little less brief than I had thought.

DEPUTY COUNTY CLERK: Okay, well.

CHAIR WHITE: I think, I think that gives Ms. Raisbeck an, a good idea of this.

DEPUTY COUNTY CLERK: Okay, thank you very much, Mr. Chair.

CHAIR WHITE: This is not, nothing nefarious here.

MS. RAISBECK: Thank you for that explanation. Thank you.

CHAIR WHITE: Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. If there are any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office phone at this time.

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify at Lanai.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There is no one here on Molokai waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk. Have we have received any written testimony in addition to Ms. Blackburn's?

DEPUTY COUNTY CLERK: Nothing in addition to Ms. Blackburn's testimony.

CHAIR WHITE: Okay. Members, without objection, we'll enter Ms. Blackburn's testimony into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM SHELLEY BLACKBURN OF KA HALE A KE OLA WAS MADE A PART OF THE RECORD OF THIS MEETING.

CHAIR WHITE: Thank you. And, without objection, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Public testimony is closed.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of April 17, 2015; public hearing of April 23, 2015; and public hearing of April 29, 2015; were presented at this time.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO APPROVE THE REGULAR MEETING MINUTES OF APRIL 17, 2015; AS WELL AS THE PUBLIC HEARING OF APRIL 23, 2015; AND THE PUBLIC HEARING OF APRIL 29, 2015.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: There's a motion by Vice-Chair Guzman and a second by Member Victorino. Any discussion, Members?

VICE-CHAIR GUZMAN: Oh, no further discussion. Thank you, Chair.

CHAIR WHITE: No further discussion. Okay, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 15-175 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated May 28, 2015)

Transmitting 73 contracts/grants for the month ending April 2015.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 15-175.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Victorino.

Any further discussion?

VICE-CHAIR GUZMAN: Thank you, Chair. This communication is from the Director of Finance transmitting a summary of a report listing 73 contracts and grants for April 2015. The referenced transmittal items are for filing with the Office of the County Clerk and available for review.

Any Member with concerns over any of the contracts or grants may refer their concerns to the Council Chair for consideration. Thank you, Chair.

CHAIR WHITE: Thank you. Members, any need for sending any contract to Committee?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. I'm kind of intrigued by Contract C5470-2. And, it's in reference to MS4 Permitting and Storm Water Management Plan by Public Works. And, the amount there is 109,000 plus dollars for this.

So, it's kind of a significant amount of money, and also falls into the parameters of my standing Committee. So, I thought perhaps if there's a way to get that sent into Committee, to just take a look-see and see what is this about?

CHAIR WHITE: Without objections, we will have the, the stated contract sent to Ms. Cochran's Committee. Any objections?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER COCHRAN: Thank you very much, Members and Chair.

CHAIR WHITE: Thank you. And, the remainder will go to, and the remainder of the communication will be filed.

Any other requests for contracts to be sent to Committee? Seeing none, all those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

NO. 15-176 - ALAN M. ARAKAWA, MAYOR,
(dated June 8, 2015)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Molokai Planning Commission due to the resignation of Sherry Tancayo on June 5, 2015.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 15-176.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, this is to inform of the, inform us of the resignation of Sherry Tancayo. We, I would, and all of us would like to say mahalo

for her service to the County, and wish her continued success, and, and that's basically it, Mr. Chair. Thank you.

CHAIR WHITE: Thank you. Members, any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh, Mr. Couch, did you have your? Thank you, Chair.

And, I was just reading the communication, but, and her letter of resignation, her handwritten letter. And, it seems pretty heartfelt and it, in a way kind of sad cause it sort of mentions that the chairman of this committee, she's saying continued slander of her personal, personally and her lack of respect of her personal life, sort of had something to do with her resigning.

So, I don't know, there's always two sides to every story I know. But, it was sort of heartbreaking to kind of read those words in her letter of resignation. So, hopefully Administration or whoever is in charge here can possibly look into that. And, hopefully those types of situations don't occur in our people who volunteer their time to us to provide a service to this community. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused"; Mr. Hokama.

Mr. Clerk.

NO. 15-177 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated June 3, 2015)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending May 2015.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

I MOVE TO FILE THE, THE COMMUNICATION.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Ms. Baisa with a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: No, not really a lot to talk about. This is a routine report that we file. And, if anyone really wants to take a look at it, it is available. Thank you.

CHAIR WHITE: Thank you. Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

NO. 15-178 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated May 28, 2015)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for April 2015 for all registered well reporters in the County of Maui.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

I MOVE TO FILE THE REPORT.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Ms. Baisa and a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. Again, this is a routine report that we receive, and it's filed. And, if anyone wants to really take a look at it, it's available. Thank you.

CHAIR WHITE: Thank you. Any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I don't have a problem with filing this. But, I would like the, the Water Director to kind of take a look at one of the, the pages. Unfortunately, the pages aren't numbered, but it's the Well # 6-5328-048, Hale Mahaolu II. And, it shows that it has 30,436 million gallons a day. I don't think we have that much water on this island, so I think there's a problem in the reporting. And, I, they may want to check that monitor. So, I, it's not worth going to Committee on, it's just that maybe the Director can let the State know that there might be an error with that one monitor. Thank you.

COUNCILMEMBER BAISA: Chair.

CHAIR WHITE: Thank you.

COUNCILMEMBER BAISA: Chair.

CHAIR WHITE: Any further discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: Chair, I'll be very happy to call that to Mr. Taylor's attention and see if there's anything we need to look at. Thank you.

CHAIR WHITE: Thank you. Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: And, and I think this is for Ms. Baisa also. But, this is a report that actually is quite new in a sense of us receiving. And, it had been quite curious to me on some of these numbers, including the one that Mr. Couch had mentioned.

Cause I'm looking at wells in the West Maui area where it says zeroes. But, for me, I beg to differ that they're not drawing water. So, I just, I don't know, maybe Ms. Baisa, if this could be a item to maybe take a better, deeper look at, and have Director here. And if it's, if it's benign then you know, great. But, I think I kind of have some questions, raising my eyebrows here, looking at some of these figures. So, I would like a little better explanation, I guess.

Also, how to read this. How does it relate to what's, you know, happening out there and, and usage, and what have you. So, I, for me, I'd, I'd like to get a deeper, you know, knowledge or understanding of what this truly is saying to us.

COUNCILMEMBER BAISA: Chair.

CHAIR WHITE: So, you're requesting that Ms. Baisa consider?

COUNCILMEMBER COCHRAN: Yea, if there's a way. I mean it, again, it may be a, a quickie thing that, oh, it's very, you know, it's explained out fairly simply. But, there's just things that I personally have questions. But, I can also, I guess talk to Director too.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Chair, I have no objection if this, you want to refer this to my Committee. However, I will tell you that I think probably a meeting with the Director can easily be arranged. He's always available and more than willing to meet with anybody who wants to meet with him.

But, you know, I do have a very full agenda. And, we're working on some very, very critical issues right now. So, however, you know, I'll do my best to schedule it if that's what the Council wants. I serve at, you know, with the pleasure of my colleagues.

CHAIR WHITE: Well, Ms. Cochran--

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: --why don't, why don't you set up a meeting with Mr.--

COUNCILMEMBER COCHRAN: Taylor.

CHAIR WHITE: --Taylor, and see if he can provide a adequate explanation.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: If there is something more concerning to you, then I'm sure Ms. Baisa would be more than happy to let the next report go through to Committee for review.

COUNCILMEMBER COCHRAN: Okay, that, that's fine. Thank you. Thank you very much.

CHAIR WHITE: Thank you. Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

NO. 15-179 - MIKE WHITE, COUNCIL CHAIR,
(dated June 2, 2015)

Transmitting a proposed resolution entitled, "RESCHEDULING THE COUNCIL'S JULY 17, 2015 MEETING".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 15-179, AND
THE FILING OF SUCH COMMUNICATIONS.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second from Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. In accordance with Rule 2(B) of the Rules of the Council which authorizes the Council by resolution to reschedule our regular meeting for a different date or place within the same month.

The Councilmembers will be attending the 2015 National Associations of Counties Annual Conference and Exposition in Charlotte, North Carolina, during the week of July 12, 2015.

Rescheduling the Council's regular meeting of July 17, 2015, to July 24, 2015, would allow for greater participation by the Councilmembers at the NACo Conference. Thank you, Chair.

CHAIR WHITE: Thank you. Members, any further discussion?

VICE-CHAIR GUZMAN: No further discussion, Chair.

CHAIR WHITE: Thank you. Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-60.

NO. 15-180 - MICHAEL P. VICTORINO, CHAIR, POLICY AND
INTERGOVERNMENTAL AFFAIRS COMMITTEE,
(dated May 26, 2015)

Transmitting a floor amendment to Bill 14 (2015) entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO", to require only establishments utilizing festival seating with an occupant load of 200 or more to install fire sprinklers, and to exempt agricultural subdivisions that consist of parcels of one acre or more from the requirement of multiple access roads for new subdivisions.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yes, thank you, Chair. And, with your permission and, and my Council's agreement, I would like to take this communication up when we get to Bill 14 (2015) for second and final reading. They both kind of work together, so it would make good sense if we could do it all one time. That's the pleasure of my, my colleagues.

CHAIR WHITE: Without objection, we'll move this to the, time to deal with Bill 14.

COUNCILMEMBER VICTORINO: Yea, end of calendar, yea.

CHAIR WHITE: Right.

COUNCILMEMBER VICTORINO: Okay, thank you.

CHAIR WHITE: Right. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so moved, or so, so ordered, I should say.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral.
The following county communications are recommended for referral to the following
Committees as noted:

NO. 15-181 - JOSEPH PONTANILLA, CDBG PROGRAM MANAGER,
(dated June 12, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN
APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM".

The recommended action is that County Communication No. 15-181 be referred to the
Budget and Finance Committee.

NO. 15-182 - ALAN M. ARAKAWA, MAYOR,
(dated June 1, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING
ORDINANCE NO. 3143, RELATING TO CHAPTER 5.24, MAUI COUNTY CODE,
RELATING TO OCEAN RECREATIONAL ACTIVITY BUSINESS PERMITS, AND
CHAPTER 13.04, MAUI COUNTY CODE, RELATING TO RECREATIONAL AREA
REGULATIONS".

The recommended action is that County Communication No. 15-182 be referred to the
Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-183 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated May 29, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII RELATING TO THE ACQUISITION OF A GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 68 REPORT".

The recommended action is that County Communication No. 15-183 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-184 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated June 5, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII (ERS)".

The recommended action is that County Communication No. 15-184 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-185 - MIKE WHITE, COUNCIL CHAIR,
(dated June 3, 2015)

Transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE".

The recommended action is that County Communication No. 15-185 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-186 - DON COUCH, COUNCILMEMBER,
(dated June 1, 2015)

Transmitting a proposed resolution entitled "AMENDING RULE 10, RULES OF THE COUNCIL, RELATING TO ROLL CALL VOTING".

The recommended action is that County Communication No. 15-186 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Members, are there any objections to the, to the referrals to committee as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, those will be sent to the Committees as read.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 45 (2015)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2641 (1998), THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP, FROM BUSINESS/COMMERCIAL TO HOTEL FOR TAX MAP KEY NUMBER (2) 3-9-002:030 (POR.), AND TO ALLOW A HEIGHT LIMIT OF SIXTY FEET ON A PORTION OF TAX MAP KEY NUMBER (2) 3-9-002:076, KIHEI, MAUI, HAWAII, FOR THE PROPOSED DOWNTOWN KIHEI PROJECT

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Since Bills 45 and 46 (2015) relate to the same matter, I request that you call the next bill at this time.

CHAIR WHITE: Without objection we'll call up the next bill.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 46 (2015)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
R-3 RESIDENTIAL TO H-M HOTEL DISTRICT, B-2 COMMUNITY BUSINESS
DISTRICT, AND OS-1 OPEN SPACE DISTRICT, FOR
TAX MAP KEY NUMBERS (2) 3-9-002:030, (2) 3-9-002:076,
(2) 3-9-002:080, AND (2) 3-9-002:158, KIHEI, MAUI HAWAII,
FOR THE PROPOSED DOWNTOWN KIHEI PROJECT

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL 46 (2015) ON FIRST READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. May I refer you and the Members on the floor, to the floor amendment form which I've asked the Clerk to distribute to you at this meeting.

I MOVE TO AMEND BILL 46 (2015) BY SUBSTITUTING
EXHIBIT "H", WITH THE UNILATERAL AGREEMENT AND
DECLARATION OF CONDITIONAL ZONING DATED JUNE 3,
2015; A COPY OF WHICH IS ATTACHED TO MY
AMENDMENT SUMMARY FORM.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Excuse me. Bill 46 (2015) passed first reading at the May 26, 2015 meeting. Following this meeting, it was discovered that the Unilateral Agreements, which need to be recorded with the Bureau of Conveyances prior to second reading pursuant to County Code, inadvertently omitted a reference exhibit contained the property description. Therefore, new Unilateral Agreements were necessary and have since been obtained from the landowners.

The new Unilateral Agreement, dated June 3, 2015 include the omitted exhibit and incorporate other non-substantive revisions. Bill 46 (2015) cannot be considered on second and final reading until a recorded Unilateral Agreements have been received by the Clerk.

By substituting the bill's prior Exhibit "H" with a new Unilateral Agreement; passing Bill 46 (2015), Draft 1, on first reading; directing the Clerk to record the new Unilateral Agreement, the Council will enable, will enable the bill to proceed through the legislative process.

CHAIR WHITE: Thank you. Members, further discussion? So, the motion is to pass Bill 46 (2015), as amended, on first reading.

DEPUTY COUNTY CLERK: It's for the amendment.

COUNCILMEMBER CARROLL: The amendment.

CHAIR WHITE: Oh, I'm sorry, I'm sorry. Right. Thank you.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk. I'm sorry, Mr. Carroll.

COUNCILMEMBER CARROLL: No further discussion.

CHAIR WHITE: Thank you. I believe we need a--

COUNCILMEMBER CARROLL: Back to the main motion.

CHAIR WHITE: Okay.

DEPUTY COUNTY CLERK: Yea, Mr. Chair, we're back to the main motion. But just for clarification purposes, the, the motion was to amend the Bill. Within Mr. Carroll's description of the amendment, it also included to direct the Clerk to record the new Unilateral Agreement. I just wanted to get clarification from the Members that that is part of that motion.

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Then, all right. So, I need to make that motion now then, for the Clerk to record the unilateral agreement? But that is after with this motion, right?

CHAIR WHITE: Mr. Clerk, could you restate--

COUNCILMEMBER CARROLL: --after this motion is approved?

CHAIR WHITE: Let's take, let's take a recess.

COUNCILMEMBER CARROLL: Short recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:47 A.M., AND WAS RECONVENED AT 9:50 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER HOKAMA, EXCUSED.)

CHAIR WHITE: This meeting of the Maui County Council shall come back to order. Members, we're on the main motion. And I believe we're all pau with discussion. We've, we have, we will be, Mr. Carroll will be making an additional motion after we pass the main motion.

So, we're on the main motion for Bill 46. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO DIRECT THE COUNTY CLERK TO RECORD
UNILATERAL AGREEMENT AND DECLARATION FOR
CONDITIONAL ZONING DATED JUNE 3, 2015.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: No further discussion.

CHAIR WHITE: Thank you. Any discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

FINALLY, I MOVE TO POSTPONE BILL 45 (2015) UNTIL THE
NEXT REGULAR COUNCIL MEETING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: It's been moved by Mr. Carroll and seconded by Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: This will be so both bills, we'll be able to process them
second reading at the same time. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion, Members? Seeing none, all those in
favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with unfinished business.

UNFINISHED BUSINESS

ORDINANCES

ORDINANCE NO. _____
BILL NO. 14 (2015)

A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO

DEPUTY COUNTY CLERK: And, Mr. Chair, I just note for the Members that we also have County Communication 15-180 brought up at this time.

NO. 15-180 - MICHAEL P. VICTORINO, CHAIR, POLICY AND
INTERGOVERNMENTAL AFFAIRS COMMITTEE,
(dated May 26, 2015)

Transmitting a floor amendment to Bill 14 (2015) entitled "A BILL FOR AN ORDINANCE ADOPTING THE STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO", to require only establishments utilizing festival seating with an occupant load of 200 or more to install fire sprinklers, and to exempt agricultural subdivisions that consist of parcels of one acre or more from the requirement of multiple access roads for new subdivisions.

CHAIR WHITE: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair.

I WOULD MOVE TO PASS BILL 14 (2015) ON SECOND AND
FINAL READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino with a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. At the meeting of April 7, 2015, the Council passed Bill 14 on first reading to adopt the State Fire Code with certain amendments, into the County Fire Code.

At that meeting, there were two concerns raised. If this body agrees, I would like to address and vote on each concern separately. So, Mr. Chair, I'm requesting that if I make amendments that I, I can do it separately, okay?

CHAIR WHITE: The Chair is open if there are no, no objections.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER VICTORINO: Thank you very much. I believe, I had to double-check, Lieutenant Scott English is here today to explain the effects on the proposed amendments if necessary. So, if you, no objection, I would like him to come up to the podium, I mean to the Administration area if there are questions specifically on the amendments, with your permission, Mr. Chair.

CHAIR WHITE: Members, do you have questions on the amendments?

COUNCILMEMBER BAISA: No.

CHAIR WHITE: That would, would like clarifications? I think we've been--

COUNCILMEMBER VICTORINO: Okay.

CHAIR WHITE: --he, he provided a good explanation before.

COUNCILMEMBER VICTORINO: Okay, so let me start. And, then again, if we need, Mr. English is, Lieutenant English is here to help us.

One concern was related to Section 16.04C.300, Subsection 13.3.2.8, relating to existing assembly occupants. During the Committee discussion, the Fire Department stated there was very few establishments that would be affected by this amendment, but agreed to let us, the establishments know of the new law. Several establishments became very concerned and other establishments questioned whether the changes would have an effect on their establishments as well.

After that meeting, I met with Captain Haake and Lieutenant English to discuss an amendment to this Section.

THEREFORE, I MOVE TO AMEND BILL 14 (2015), BY AMENDING SECTION 16.04(C).300, SUBSECTION 13.3.2.8.1 OF THE COUNTY FIRE CODE TO STRIKE THE EXISTING LANGUAGE AND INSERT THE FOLLOWING: AN EXISTING ASSEMBLY OCCUPANCY THAT IS ALLOWED TO SERVE ALCOHOL AND UTILIZE, AND UTILIZE FESTIVAL SEATING TO INCREASE ITS OCCUPANCY LOAD TO, TO NO MORE THAN 200 PERSON SHALL BE PROTECTED THERE, THEREOUT BY AN APPROVED, SUPERVISED AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE TO THE NATIONAL FIRE PROTECTION ASSOCIATION ACT 13.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND WITH, OKAY, I SECOND.

COUNCILMEMBER VICTORINO: Okay, okay. These, thank you for the second, so I can explain.

CHAIR WHITE: Wait.

COUNCILMEMBER VICTORINO: The departments--

CHAIR WHITE: Wait, we have a, okay, we have a motion from Mr. Victorino.

COUNCILMEMBER VICTORINO: Oh, I'm sorry.

CHAIR WHITE: And, a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. The Department's main concern was the possibility of an assembly occupancy that is allowed to serve alcohol that removes its table and chairs and use, utilizes festival seating, which could allow for more than twice its initial occupant load.

Targeting alcohol serving assemblies that would, that want to utilize festival seating only, would eliminate an immediate need for installation of fire sprinklers in other existing assembly occupancies.

This will also place the burden of sprinkler, fire sprinkler protection upon the proprietors and owners if they want to increase the occupant load to exceed 200 persons by removing tables and chairs and serving alcohol.

So, again, this was really targeting in the area of alcohol so that churches, and schools, and other facilities that have different festivals, can put festival seating and allow them to not have to go through this change in the Code. So, that was what the whole purpose of this.

So, if you have any questions, I'm open to any questions from, and again Lieutenant English is here to clarify if there's any need for clarification.

CHAIR WHITE: Thank you, Mr. Victorino.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you. And, I just wanted to clarify that the motion, as read, is actually the language in County Communication 15-180. If that's all right with the Clerk? Thank you.

COUNCILMEMBER VICTORINO: That's fine. And, that's, that's fine with me, Mr. Chair. No problem.

CHAIR WHITE: Any further discussion, Members?

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Yes, Mr. Guzman.

VICE-CHAIR GUZMAN: I have a question. This is, this is excluding the serve, the serving of wine at communion right?

CHAIR WHITE: Yea.

VICE-CHAIR GUZMAN: Okay, thank you.

CHAIR WHITE: Any further discussions, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", one "excused".

And we're back to Mr. Victorino.

COUNCILMEMBER VICTORINO: Okay. Mr. Chair, I'd like to ask for a brief recess please.

CHAIR WHITE: Brief recess at the call of the Chair.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:57 A.M., AND WAS RECONVENED AT 10:00 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER HOKAMA, EXCUSED.)

CHAIR WHITE: Meeting of the Maui County Council will come back to order. And, we'll be proceeding with the next amendment.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. The other concern was related to Section 16.01C.440 [sic], Subsection 18.2.3.6.2 of the County Fire Code, with regard to multiple access roads for subdivisions. An exemption was needed to be added for agricultural subdivision that are served by one single road, but consist of parcels that are, that are one acre or more. This allows access required to, to be based not only on the number of parcels but also the density of the subdivision.

A subdivision of small sized parcels with high density would be more than likely required to, require total evacuation in the event of a catastrophic emergency that subdivisions that consist of larger size parcels with less density would not.

THEREFORE, I MOVE TO AMEND BILL 14 (2015), BY AMENDING SECTION 16.04C.440, SUBSECTION 18.2.3.6.2 OF THE FIRE CODE TO ADD THE EXEMPTION TO READ AS FOLLOWS: AGRICULTURAL SUBDIVISION THAT CONSIST OF PARCELS ONE ACRE OR MORE WOULD BE EXEMPT.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

COUNCILMEMBER VICTORINO: Thank you.

CHAIR WHITE: Thank you. We have a motion by Mr. Victorino and a second by Mr. Couch.

COUNCILMEMBER VICTORINO: And, again--

CHAIR WHITE: Any further discussion?

COUNCILMEMBER VICTORINO: Yea, real quickly. I think my explanation clarifies that agricultural subdivisions, agricultural lots, would not be required to have multiple exits from their, their properties. And, I think the Fire Department totally supported that. In fact, this was again, like I said, Captain Haake and Lieutenant English who met with me and made these revisions for, to the Fire Code.

So, I respectfully request the Councilmembers consideration for this motion. Thank you, Chair.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, again, the same thing, the, the, that the motion includes the language that is written in County Communication 15-180.

COUNCILMEMBER VICTORINO: Well, I'm going to file that later. But, it's on the next--

COUNCILMEMBER COUCH: No, the, I'm asking that the motion as.

CHAIR WHITE: Yea.

COUNCILMEMBER COUCH: Okay, thank you. I do have a question on the one acre or more versus two acres or more cause we have our limit, minimum lot size is two acres. I was just curious why it's at one.

COUNCILMEMBER VICTORINO: Well, the Fire Department notified me that there are a number of one acre lots that exist today that were prior to when we changed to two acres.

COUNCILMEMBER COUCH: Okay.

COUNCILMEMBER VICTORINO: And, to be totally fair, it would not be, by doing two acres, you still make the one-acre lots be required to have multiple exits--

COUNCILMEMBER COUCH: Okay.

COUNCILMEMBER VICTORINO: --from their property. So, that's the reason for that.

COUNCILMEMBER COUCH: Thank you. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Okay, I believe we're back to the main motion.

COUNCILMEMBER VICTORINO: As amended, yes.

CHAIR WHITE: As amended.

COUNCILMEMBER VICTORINO: I think I've discussed it already. So, I, I would call on my colleagues for their consideration on the motion. Thank you.

CHAIR WHITE: Okay, any further discussion on the main motion, Members, following the amendments? Seeing none, all those in favor of the main motion please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Oh, I'm sorry.

COUNCILMEMBER VICTORINO: I have one more thing.

I'D LIKE TO MOVE TO FILE COUNTY COMMUNICATION
15-180.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino, further discussion?

COUNCILMEMBER VICTORINO: No more discussion.

CHAIR WHITE: Okay, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, VICTORINO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. Members, thank you for being here this morning.
And, we are adjourned.

ADJOURNMENT

The regular meeting of June 19, 2015 was adjourned by the Chair at 10:04 a.m.


DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Good Morning Council Chair and Council Members! My name is Shelley Blackburn, Chief Operating Officer of Ka Hale A Ke Ola Homeless Resource Centers. I've been at KHAKO for 10 years because of the passion, commitment & dedication that I've had & will always have in serving the people of Maui County, especially the Homeless population. We were the first and now the largest homeless service provider on Maui. Every year, Ka Hale A Ke Ola provides housing to more than 1,500 individuals and families, including more than 400 children.

Our Wailuku facility was built in 1992 – in fact, a \$100,000 CDBG grant was a big part of the initial construction of Ka Hale A Ke Ola. These facilities are now 23 years old, and it definitely shows. The situation is well beyond normal wear and tear: not only are the buildings' deteriorating quickly but are becoming more and more visible & are creating serious safety concerns.

A principal purpose of CDBG funding, as stated in the CDBG application packet, is to provide decent housing, principally for persons of low and moderate income. Additionally, the County's Consolidated Plan specifically outlines that the rehabilitation of buildings to serve homeless persons and families is a **HIGH** priority.

With this in mind, we felt very confident in the CDBG application we submitted in December of last year to improve our facilities, and in turn improve the lives of our Maui county residents. On March 9, KHAKO received the proposed Annual Action Plan that preliminarily approved a CDBG grant for KHAKO in the amount of \$654,000.

Both the clients & staff of KHAKO were excited. The approved grant was nothing short of a blessing to KHAKO's residents, who many ^{previously} came before you and publicly testified about the significance and importance of this project for the improvement of our crumbling infrastructure.

However, several weeks after receiving the news, we were informed by a Maui County Council Executive Assistant that Council refused to accept the CDBG Action Plan. This refusal not only was confusing, but required KHAKO to go

through the very onerous and time consuming task of preparing a second CDBG application. Recognizing the importance of the funding, KHAKO immediately re-applied.

KHAKO received an email notifying us of a change in public hearing location. This prompted our CEO to call the CDBG office as she was unaware that any decisions had been made. We learned that the new Action Plan excluded KHAKO's Renewal Project. The previously promised funds were taken away.

There was no prior notice, no letter, not even a courtesy phone call.

I understand there is a process that must be followed and CDBG encompasses a whole range of eligible activities, but it seems the end result the second time around is essentially the same, with the exception of our facility now being excluded.

This exclusion is nothing short of devastating to KHAKO, its residents, and ultimately the county of Maui. With homelessness extremely growing on Maui county, this is not an outcome that will benefit the county, and more importantly, those in need. I'm also a wife of a Firefighter which I know is also in need of important funding however to my belief, not as important as ours at this time.

It seems there were underlying political motivations that will never be fully understood by me or others that led to an unnecessary second round and our residents were the collateral damage.

Individuals and families experiencing homelessness should not have to sacrifice their health and safety due to County politics. I, along with the Board & Staff of KHAKO will not be responsible for putting people in danger – should the state of our facility continue to deteriorate, we may be faced with making the difficult decision to close down buildings, which will only further harm the county.

I understand there is very little that can be changed at this point, but I hope that this time around, our voices are truly heard and right decisions, PONO decisions

are truly made for the best interest of the people of Maui County to truly end homelessness.

Thank you!!